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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,938	03/03/2004	Cor Van Rijn	03/018 KP	4127
38263 75	90 03/27/2006		EXAM	INER
PROPAT, L.L.C.			MIGGINS, MICHAEL C	
	TH SHARON AMITY ROAD TE, NC 28211-2841		ART UNIT	PAPER NUMBER
C			1772	<u> </u>
			DATE MAILED: 03/27/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)		
	10/791,938	VAN RIJN ET AL.		
Office Action Summary	Examiner	Art Unit		
	Michael C. Miggins	1772		
The MAILING DATE of this communication a		with the correspondence address		
Period for Reply				
A SHORTENED STATUTORY PERIOD FOR REF WHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory peri  - Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the ma earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUI 1.136(a). In no event, however, may od will apply and will expire SIX (6) M tute, cause the application to become	NICATION. a reply be timely filed  ONTHS from the mailing date of this communication. ABANDONED (35 U.S.C. § 133).		
Status				
1) Responsive to communication(s) filed on 03	3 March 2004.			
,	his action is non-final.			
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is				
closed in accordance with the practice unde	er <i>Ex parte Quayl</i> e, 1935 C	.D. 11, 453 O.G. 213.		
Disposition of Claims				
4)⊠ Claim(s) <u>1-21</u> is/are pending in the applicati	on.			
4a) Of the above claim(s) is/are withd				
5) Claim(s) is/are allowed.				
6) ☐ Claim(s) is/are rejected.	•			
7) Claim(s) is/are objected to.				
8) Claim(s) <u>1-21</u> are subject to restriction and/	or election requirement.			
Application Papers				
9) The specification is objected to by the Exam	iner.			
10) The drawing(s) filed on is/are: a) a		to by the Examiner.		
Applicant may not request that any objection to t	• •	•		
Replacement drawing sheet(s) including the corr	•,,	···		
11) The oath or declaration is objected to by the	•			
Priority under 35 U.S.C. § 119				
12)⊠ Acknowledgment is made of a claim for fore	ian priority under 35 U.S.C	. \$ 119(a)-(d) or (f).		
a) △ All b) ☐ Some * c) ☐ None of:	g., p.,e.,, under ee e.e.e	. 3 (2) (2) . (1)		
1.☑ Certified copies of the priority docume	ents have been received.			
2. Certified copies of the priority documents have been received in Application No				
	3. Copies of the certified copies of the priority documents have been received in this National Stage			
application from the International Bur	eau (PCT Rule 17.2(a)).	_		
* See the attached detailed Office action for a	list of the certified copies n	ot received.		
Attachment(s)				
1) Notice of References Cited (PTO-892)		w Summary (PTO-413)		
<ol> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date</li> </ol>		lo(s)/Mail Date of Informal Patent Application (PTO-152)		
S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Office	e Action Summary	Part of Paper No./Mail Date 03202006		

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## **DETAILED ACTION**

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17, drawn to a PVC film, classified in class 428, subclass 515.
  - II. Claims 18-21, drawn to a method of producing the film, classified in class264, subclass 479.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by stretching followed by calendering.
- 3. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 5. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

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6. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is 571-272-1494. The examiner can normally be reached on 1:00-10:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Y. Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael C. Miggins Primary Examiner

Art Unit 1772 Subaula,

MCM

March 20, 2006